

IN THE UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF ARKANSAS
FAYETTEVILLE DIVISION

CHRIS FOSTER

PLAINTIFF

v.

Case No. 15-5085

TIM HELDER, et al.

DEFENDANTS

MAGISTRATE JUDGE'S REPORT AND RECOMMENDATION

Currently before the Court is Defendants' **Amended Motion to Dismiss (Doc. 23)**. Plaintiff has not responded to the motion.

On August 12, 2015, a show cause order was entered giving Plaintiff until September 14, 2015, to show cause why this action should not be dismissed because he had failed to keep the Court informed of his current address (Doc. 19). The Court noted that a prior order had been returned as undeliverable with a notation that Plaintiff was no longer incarcerated at the Washington County Detention Center (WCDC). The Court contacted the WCDC and was given some indication that Plaintiff could be a patient at Northwest Medical Center Behavioral Unit in Springdale, Arkansas. The show cause order was mailed to Plaintiff by certified mail to the Northwest Medical Center. A return receipt indicating service of this order was filed with the Court on August 17, 2015. As of this date, the Plaintiff has not responded to the show cause order or the amended motion to dismiss, and has not communicated with the Court in any way since the filing of his complaint on April 14, 2015.

Local Rule 5.5(c)(2) requires pro se parties to notify the Clerk of the Court of any change in address. Plaintiff failed to do so and also failed to comply with or respond in any way to the undersigned's show cause order. Accordingly, the undersigned recommends **GRANTING** Defendants' **Amended Motion to Dismiss (Doc. 23)** and **DISMISSING** this action pursuant to Federal Rule of Civil Procedure 41(b) and Local Rule 5.5(c)(2).

The parties have fourteen days from receipt of the report and recommendation in which to file written objections pursuant to 28 U.S.C. § 636(b)(1). The failure to file timely objections may result in waiver of the right to appeal questions of fact. The parties are reminded that objections must be both timely and specific to trigger de novo review by the district court.

DATED this 13th day of October, 2015.

/s/ *Erin L. Setser*

HON. ERIN L. SETSER
UNITED STATES MAGISTRATE JUDGE